

REMARKS

Examiner's Rejections and Objections

The subject patent application is a divisional of U.S. Patent Application Serial No. 10/109,524 which was filed on March 28, 2002 and has presently received a Notice of Allowance from the U.S. Patent and Trademark Office. The primary reason for this application is to prosecute claims which were not elected in response to the Examiner's request for restriction and/or prosecuted during the prosecution of the earlier-filed '524 patent application.

In the Office Action last received during the prosecution of the '524 application, the Examiner rejected Claims 24, 26, 34, 36, 37 and 39 under 35 U.S.C. §102(b) as being anticipated by the Mullen et al. reference ("Mullen"). The Examiner further rejected Claim 25 under 35 U.S.C. §103(a) as being unpatentable over Mullen in view of the Brown et al. reference ("Brown"). Lastly, the Examiner rejected Claim 35 under 35 U.S.C. §103(a) as being unpatentable over Mullen.

Importantly, however, the Examiner indicated his reasons for allowing the claims of the '524 application in the last received Office Action. In stating the reasons for their allowability, the Examiner stated the following:

The prior art of record does not teach or fairly suggest the chamber having

introduction and exit apertures which are exposed through the first and second openings of the housing. (See, Office Action mailed May 6, 2003, page 8).

As will be demonstrated below, it is respectfully submitted that the presently pending claims, and more particularly independent Claims 24 and 32, have been amended to incorporate such features deemed allowable by the Examiner, and thus should share the same fate as the earlier-filed '524 patent application.

Summary of Applicant's Response

Applicant has cancelled original Claims 1-23 from the present prosecution.

Applicant is now concentrating solely upon newly added Claims 24-43. From those claims, independent Claims 24 and 32 were amended to incorporate allowable subject matters which are believed to overcome all of the prior art references cited in the earlier prosecution.

Amended Independent Claims 24 and 32

Applicant has amended independent Claims 24 and 32 to incorporate distinguishable features which are believed to be novel and unobvious over the cited prior art. Furthermore,

Applicant respectfully points out that amended independent Claims 24 and 32 are well within the Examiner's reasoning for allowing the earlier-filed '524 patent application.

As noted above, it appears that the Examiner granted the '524 application such status under the reasoning that the specific feature of "the chamber having introduction and exit apertures which are exposed through the first and second openings of the housing" are novel and unobvious in view of all the prior art found by the Examiner. Applicant respectfully submits that amended independent Claims 24 and 32 expressly contain those features, and thus should be allowable.

Nonetheless, as will be demonstrated below, Applicant submits that amended base Claims 24 and 32 are distinguishable over the cited prior art as they clearly contain features that are novel and unobvious.

1. The Prior Art In View Of Applicant's Present Invention

As indicated above, amended independent Claims 24 and 32 expressly incorporate the feature of a chamber having both an openable/closeable introduction aperture and an openable/closeable exit aperture which are respectively exposed through the first and second openings of its housing. In accordance with the Examiner's previous view, Applicant respectfully submits that Mullen and Brown, either individually or collectively, fail to teach or suggest such emphasized

claimed feature of the present invention for the reasons stated below.

Concentrating now on Mullen only, Applicant respectfully submits that the emphasized claimed combination of the mixing chamber's introduction and exit apertures, and the housing which is adapted to accommodate those apertures through its respective openings are not sufficiently disclosed in Mullen. As understood, Mullen is directed to a unit comprising a cabinet member with a number of cartridges containing liquid bags therein. (See, Figures 1 and 2). Each cartridge has a front door panel "adapted to close the front wall opening 17a, 17b, 17c of the cabinet member." (Column 2, lines 66-67). Applicant understands that "a dispensing valve 25 extends outwardly from the front door panel 23 and is connected to the liquid in the bag 21 . . . by a fitment 35 extending through a hole 37 in door panel 23." (Column 3, lines 1-18).

As the Examiner should note, Mullen requires a separate fitment for extension of the liquid bag through the cabinet member. This is different from the present invention in which the exit aperture of the mixing chamber itself is extended through the relevant housing. More importantly, although Mullen may disclose its own unique version of dispensing its liquid through the cabinet member, Applicant respectfully submits that Mullen is silent as to the feature of an introduction aperture,

or any kind of structure for that matter, that extends through the housing for receiving additional liquid components therethrough. Rather, Mullen simply discloses inserting the liquid bag directly into the cabinet member for such proposition as the liquids contained therein are already prepared for distribution, and does not require any type of liquid receiving feature.

Likewise, it is respectfully submitted that Brown also fails to disclose the present invention's claimed combination of the mixing chamber's introduction and exit apertures, and the housing which accommodates both of those apertures through its respective openings. As understood, the dispensing unit of Brown is similar to Mullen in that its liquid components, namely, bulk hair products, are already prefabricated for distribution. Hence, Applicant submits that nowhere in Brown is there any disclosure directed toward an introduction aperture that extends through the housing for receiving additional liquid components. (See, Figure 3 and 9). This is supported by Brown's specification itself which states that "the individual bags 246 and 248 are inserted into the individual compartments 242, 244 of the container." (Column 9, lines 11-14).

As such, Applicant respectfully submits that Mullen and Brown fail to individually or collectively disclose the feature of a chamber having both an openable/closeable introduction

aperture and an openable/closeable exit aperture which are respectively exposed through the first and second openings of its housing as recited in amended base Claims 24 and 32 of the present invention. Thus, amended independent Claims 24 and 32 are believed to be clearly novel and unobvious over those prior art references.

Applicant respectfully submits that amended independent Claims 24 and 32 are allowable. Insofar as amended base Claims 24 and 32 are viewed to be allowable, their respective dependent claims are also believed to be allowable as they are further limitations thereof.

Request for Allowance

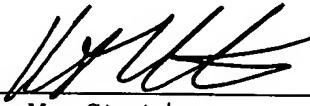
On the basis of the foregoing, Applicant respectfully submits that all the stated grounds of objections and rejections have been overcome, and that Claims 24-43 are in condition for allowance. An early Notice of Allowance is therefore respectfully requested.

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Should the Examiner have any suggestions for expediting allowance of the application, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

Respectfully submitted,

Date: 9/22/07

By: 

Kit M. Stetina
Registration No. 29,445
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
(949) 855-1246